

# NOTICE

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**TO ALL PROPERTY OWNERS/MANAGERS, CONTRACTORS, WASTE HAULERS, DEVELOPERS AND INTERESTED PARTIES:**

**PLEASE BE AWARE OF CURRENT STATE LAW REGARDING  
ILLEGAL DUMPING IN HAWAII**

**YOU ARE RESPONSIBLE FOR THE PROPER REMOVAL OF  
RESIDENTIAL, COMMERCIAL AND INDUSTRIAL SOLID WASTE TO  
PERMITTED DISPOSAL OR RECYCLING FACILITIES (§342H, HRS)**

**FINES MAY BE LEVIED ON THE GENERATOR OF THE WASTE, EVEN  
IF THEY HIRED SOMEONE ELSE TO DISPOSE THE WASTE**

- Everyone is responsible for properly removing solid wastes to facilities permitted by the Department of Health.
- Anyone including property owners, lessees, contractors and waste haulers may be subject to administrative, civil or criminal penalties and held responsible for property cleanup.
- Illegal dumpers may be subject to enforcement action and administrative and civil penalties of up to \$10,000/day for each offense (§342H-9, HRS).
- Those who knowingly dispose of solid waste equal to or greater than one cubic yard and less than ten cubic yards are subject to criminal penalties of up to \$25,000/day for each offense (§342H-39, HRS).
- It is a class C felony offense to knowingly dispose of solid waste equal to or greater than ten cubic yards anywhere other than a permitted solid waste management system without the written approval of the Director of the Department of Health (§342H-37, HRS).
- Each day of violation is a separate offense.

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## **YOU ARE ALSO RESPONSIBLE FOR BEING AWARE OF POTENTIAL HAZARDOUS WASTES OR CONTAMINANTS THAT MAY BE WITHIN THE COMMERCIAL AND INDUSTRIAL WASTE MATERIALS**

Your facility may be subject to State of Hawaii hazardous waste requirements if you generate more than 220 lbs. or 100 kg of hazardous wastes (§11-261-5, HAR) monthly. Persons or entities who generate less than 220 lbs. or 100 kilograms per month are considered as conditionally exempt small quantity generators. Requirements include:

- Make a waste determination
- Determine your generator category
- Get an EPA ID Number
- Store and manage properly
- Recycle or dispose properly
- Recordkeeping

Typical hazardous wastes from *commercial* construction and demolition jobs include:

- Oil based paint, stains, varnishes
- Acids & bases (e.g., muriatic acid, etc.)
- Ignitable waste (gasoline & diesel)
- Used batteries
- Waste vehicle lubricants (used motor oil, etc.)
- Latex paint with mercury
- Thinners and painting solvents
- Spent sand blast material from paint removal operations
- Weatherproofing/insulation solvents
- Finishing and flooring adhesives and sealants
- Mechanical/electrical waste solder and fluxes
- Absorbent material used to cleanup spills
- Contaminated rags
- Waste mercury or acrylic mercury paint
- Non-empty aerosol cans
- Fluorescent light bulbs
- Contaminated paint chips
- Lead-based paint wood debris

**FOR TECHNICAL ASSISTANCE REGARDING HAZARDOUS WASTE REQUIREMENTS, PLEASE CONTACT THE SOLID AND HAZARDOUS WASTE BRANCH AT (808) 586-4226**

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## WHAT ARE OPEN DUMPS?

Open dumps or “illegal dumps” are disposal sites that operate in nonconformance with any applicable standards, relevant permit conditions, rules, or statutes set by the State of Hawaii.

Illegal dumps are pollution sources created when uncaring people avoid the law and avoid:

- **tip fees**, because it costs money for people to throw away wastes; and
- the **time and attention** needed to dispose of waste properly.

Illegal dumpers may claim to operate a transfer station or recycling business, only to abandon the property once it is full of waste. In many cases, illegal dumpers are also breaking other laws related to vehicle licensing, insurance, drug possession, or theft (EPA, 1998).

## OPEN DUMPS ENDANGER HUMAN HEALTH AND POLLUTE THE ENVIRONMENT

Illegal dumps could contain hazardous wastes and other contamination. Whether or not the wastes are buried, illegal dumps can pollute our land, air, and drinking water sources. Illegally disposed wastes:

- are often combustible and pose fire hazards;
- generate toxic fumes if the waste is burned;
- may contain and conceal hazardous and toxic substances (used oil, needles);
- may form leachate in areas with heavy rain that pollutes groundwater and soil;
- if buried, may decompose in time, leading to ground settlement and “cave-ins”;
- may form explosive gases like methane due to waste decomposition;
- attract rodents (rats, flies, mosquitoes) which may carry infectious disease; and
- attract more illegal dumping and criminal activity to the community

## WHAT YOU CAN DO

A joint effort by government, landowners, the construction industry, waste haulers and concerned citizen’s groups is needed to address and prevent illegal dumping.

### **Property Owners:**

Please maintain and control unwanted entry into your property to the best extent possible, using:

- “No Dumping” signs placed in high-incidence areas
- Lighting
- Barriers like fences, posts, berms, rocks, concrete barriers
- Landscaping and beautification projects

### **Contractors:**

- Evaluate proposals with low bids carefully. Look for a line-item estimate on “waste disposal” and compare that with the volume of waste that the bidder expects to remove.
- Make haulers responsible to deliver the wastes they generate at the project to permitted solid waste disposal or recycling facilities. Require them to submit receipts to prove that wastes were properly delivered.
- When in doubt, contact us at (808) 586-4226 to find out which recycling facility or landfill is currently permitted to accept wastes.

### **Everyone:**

Report any suspected illegal dumping activity by filing a complaint with:

- Dept. of Attorney General, Investigations Office: 586-1240;
- Dept. of Health Solid and Hazardous Waste Branch: 586-4226;
- 9-1-1;
- Environmental Concern Line: 768-3300 (Oahu only); or
- Neighbor Island District Health Offices: 933-0401 (Hilo), 322-1507 (Kona), 241-3323 (Kauai) or 584-8234 (Maui)

Please provide us with specific information:

- Date(s);
- Time(s);
- Names on trucks;
- License plate numbers;
- Location of dumping activity;
- Type of material(s) disposed;
- Estimated quantity of waste;
- Photos; and
- Other marks of identification

Reference: United States. Environmental Protection Agency. Region 5. Illegal Dumping Prevention Guidebook. Chicago: EPA, 1998.